

### **REMARKS**

This amendment is responsive to the Final Office Action mailed on April 6, 2009. Claims 1-7 and 28-31 are pending in the application and stand rejected. Claim 1 has been amended. In view of the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

### **Rejections under 35 U.S.C. § 103**

The Examiner has rejected claims 1-7 and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,944,620 to Cleraux et al. (*Cleraux*). Of the rejected claims, claim 1 is the independent claim. Applicant has amended independent claim 1 to further clarify Applicant's invention. Applicant submits that the claim amendments do not raise any new issues as Applicant has consistently maintained that the claims are and have been directed to converting a filesystem without losing the availability of the file system during the conversion process.

With respect to amended independent claim 1, this claim now recites "concurrently with storing the first and second anchor points, converting the first filesystem type to the second filesystem type while maintaining the filesystem in a full operational capacity." Support for this amendment may be found in the published application (U.S. Publication No. 2005/0192918) at paragraph [0036]. *Cleraux*, as set forth in previous amendments, is directed to a method for supporting multiple file system types in a single mass storage device, where the system hosting the mass storage is able to access the files in each of the file system types. *Cleraux* uses the alternate, hosted, file systems for devices that do not have mass storage devices of their own, but rather use the host system mass storage device as their file system. The other devices may use an alternate operating system, and therefore an alternate file system type than the host. Any features of the file systems for the other devices that are unsupported on the host file system are written to and accessed through an emulation library allowing the file or feature to be emulated and accessed by the host system. However, *Cleraux* fails to disclose or suggest converting a filesystem from one filesystem type to a second filesystem type while maintaining the filesystem in a full operational capacity. At best *Cleraux* uses an emulation library in order to access files. Therefore, Applicant submits that *Cleraux* fails to disclose or suggest all of the

elements of Applicant's amended independent claim 1 or otherwise render the claimed subject matter obvious. Consequently, Applicant respectfully requests that the rejections for claim 1, and for claims 2-7 and 28-31 which depend therefrom, be withdrawn.

As a final matter, Applicant further notes that the remaining dependent claims recite additional features that further distinguish these claims from the reference cited by the Examiner. However, in the interest of prosecutorial economy, these remaining claims will not be addressed separately herein.

### Conclusion

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments to the claims and remarks given herein, Applicant respectfully believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant is of the opinion that no additional fee is due as a result of this Amendment. Payment of all charges due for this filing is made on the attached Electronic Fee Sheet. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

April 6, 2009  
Date

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